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6 *Attorneys for Complainant*

7 **BEFORE THE**  
8 **BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. *2011-517*

12 **HOLLY ELLEN CUSICK**  
13 **1576 Route 9D**  
14 **Garrison, NY 10524**

**A C C U S A T I O N**

15 **Registered Nurse License No. 549047**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about October 20, 1998, the Board issued Registered Nurse License Number  
24 549047 to Holly Ellen Cusick ("Respondent"). The registered nurse license was in full force and  
25 effect at all times relevant to the charges brought herein and will expire on May 31, 2012, unless  
26 renewed.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the New York State Board of Nursing)**

3 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(4),  
4 on the grounds of unprofessional conduct, in that she was disciplined by the New York State  
5 Board of Nursing ("New York Board"), as follows:

6 9. On or about April 26, 2007, pursuant to a Consent Order, in the disciplinary action  
7 entitled *In the Matter of the Disciplinary Proceeding against Holly Ellen Cusick*, the New York  
8 Board issued an Indefinite Suspension as to Respondent's nursing license.

9 10. The New York Board based its Order on the following facts:

10 a. On or about September 2006, Respondent was employed as a Registered Nurse at  
11 Nyack Hospital, located in Nyack, New York;

12 b. On or about September 8, 2006, Respondent, while on duty at Nyack Hospital, was  
13 assigned to Patient RS. At 12:30 a.m., Respondent withdrew two tablets of Xanax (.5  
14 mg), from the hospital's drug supply for administration to RS but instead took one of the  
15 tablets for her own use; and

16 c. On or about September 8, 2006, at 1:30 a.m., Respondent withdrew one tablet of  
17 Tylenol #3 from the hospital's drug supply for administration to RS but instead took the  
18 tablet for her own use.

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20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct)**


22 11. Respondent is subject to discipline under Code section 2761, subdivision (a), on the  
23 grounds of unprofessional conduct, in that Respondent committed acts constituting unprofessional  
24 conduct, as more particularly set forth in paragraphs 8 through 10, above.

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26 **PRAYER**

27 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
28 and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 549047, issued to Holly Ellen Cusick;
2. Ordering Holly Ellen Cusick, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: December 10, 2010

  
LOUISE R. BAILEY, M.Ed., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

LA2010601227